

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NEW YORK

J.P.T. AUTOMOTIVE, INC.
d/b/a Victory of Five Towns

Plaintiff

v.

TOYOTA MOTOR SALES, U.S.A., INC.

Defendant

Civil Action No. 09-CV-204-JS-ETB

Hon. Joanna Seybert

Hon. E. Thomas Boyle

DECLARATION OF CARL J. CHIAPPA

I, **CARL J. CHIAPPA**, declare as follows:

1. I am a member of the law firm of Hogan & Hartson LLP, counsel for Toyota Motor Sales, U.S.A., Inc. ("Defendant") in the above-captioned matter. I am admitted to practice before this Court.

2. I submit this Declaration in support of Defendant's Opposition to Plaintiff's Motion to Reopen the Preliminary Injunction Hearing. I am personally familiar with the facts stated herein.

3. On February 6, 2009, I sent a letter to Susan B. Lyons, counsel for Plaintiff, copied to Frank Trainor and Gary C. Fischhoff, also counsel to Plaintiff. A true and correct copy of that letter is attached hereto as Exhibit A.

4. Also on February 6, 2009, I sent a separate letter to Frank X. Trainor, copied to Susan B. Lyons. A true and correct copy of my letter to Mr. Trainor of February 6, 2009, copied

to Ms. Lyons, is attached hereto as Exhibit B.

Dated: New York, New York
April 27, 2009

/s/
Carl J. Chiappa